

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
NEW BERN DIVISION**

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In re:	:	
	:	Chapter 11
JSMITH CIVIL, LLC	:	
	:	Case No.: 23-02734-5-JNC
Debtor.	:	
	:	
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	:	Adversary Case No. 25-00084-5-JNC
JSMITH CIVIL, LLC	:	
	:	
Plaintiff	:	
v.	:	
	:	
BARNHILL CONTRACTING COMPANY	:	
	:	
Defendant	:	
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MOTION TO DISMISS

Defendant Barnhill Contracting Company (“Barnhill” or “Defendant”), through its undersigned counsel and pursuant to Rule 12(b)(1), hereby moves to dismiss the Complaint filed by JSmith Civil, LLC (“JSmith” or “Plaintiff”) for lack of subject matter jurisdiction. As explained in the accompanying Memorandum of Law, the Bankruptcy Court is not an appropriate forum for the claims brought by Plaintiff for the above captioned adversary proceeding (the “Adversary Proceeding”) because the matters asserted do not stem from the Bankruptcy Code and the adjudication of the same will in no way affect implementation of the Chapter 11 Plan of Reorganization.

WHEREFORE, Defendant Barnhill respectfully requests that the Complaint be DISMISSED WITH PREJUDICE, that Barnhill be AWARDED its reasonable attorney’s fees and

costs incurred responding to the Complaint, and that this Court GRANT Barnhill such other and further relief as justice so requires.

A proposed Order follows.

Dated: June 23, 2025

Respectfully submitted,

/s/ James S. Livermon, III

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Attorneys for Barnhill Contracting Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 23, 2025, a copy of the foregoing Motion to Dismiss was served on all counsel of record via this Court's CM/ECF electronic filing system, including:

Matthew W. Buckmiller, Esq.
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/s/ James S. Livermon, III
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